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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/297,532	06/28/1999	PETER W. FAJKOWSKI	8958.004	9903

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EXAMINER

ST CYR, DANIEL

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 05/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b> 09/297,532	<b>Applicant(s)</b> FAJKOWSKI, PETER W.	
	<b>Examiner</b> Daniel St.Cyr	<b>Art Unit</b> 2876	

-- *Th MAILING DATE of this communication appears on the cover sheet with the corresponding address --*  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25 and 42-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25 and 42-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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### **DETAILED ACTION**

1. In view of the Appeal Brief filed on 2/27/02, PROSECUTION IS HEREBY REOPENED. A new Office action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Objections***

2. Claims 25, 42-43, 46, and 53 are objected to because of the following informalities: Appropriate correction is required.

Claim 25, line 1 "the radio" should be changed to --a radio--.

Claim 42, line 1 "the" should be changed to --a--.

Claim 43, line 2, delete "of the"; line 11 "may be " should be changed to -- is --.

Claim 46, line 1 "the" should be changed to --a--.

Claim 53, line 2, "another" should be changed to --a--; line 9, "another" should be changed to --the--.

### ***Claim Rejections - 35 USC § 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 25 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruppert et al, US Patent No. 5,424,524, in view of Begun et al, US Patent No. 5,420,606.

Ruppert et al disclose a personal scanner/computer for displaying shopping lists and scanning barcodes to aid shoppers comprising: broadcasting a predetermined coupon data to a specific device, wherein the signal data is modified to be received by said specific storage device (see col. 5, line 48 to col. 6, line 18).

Ruppert et al fail to disclose or fairly suggest a radio broadcast for broadcasting the coupon data.

Begun et al disclose an instant electronic coupons verification system comprising: a portable unit 14 having a internal wireless communicator 38, in the form of an infrared or radio frequency transmitter 39 (see col. 4, lines 63-68).

In view of Begun et al's teachings, it would have been obvious for an artisan at the time the invention was made to incorporate the well-known radio RF transmitter into the system of Ruppert et al as an alternating means for broadcasting the data. Such modification would enhance the broadcasting capability of the system and make it more practical, wherein signals could be propagated using infrared and/or RF communication. Therefore, it would have been an obvious extension as taught by Ruppert et al.

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5. Claims 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aucsmith, US Patent No. 5,663,553, in view of Ohtsuki et al, US Patent No. 5,831,547.

Aucsmith discloses a mass storage device adapter for smart cards comprising: an adapter body sized to be inserted in a disk drive; an insertion port formed on said body for receiving said storage device; a magnetic reader head on said body for reading recorded data; a memory on said body for receiving contents of said recorded data; and a processor for converting contents of said recorded data into electrical data which is transmitted through said wireless transmitter (see figures 3 and 5; col. 3, line 32 +).

Aucsmith fails to disclose or fairly suggests a wireless transmitter for receiving and communicating electrical data.

Ohtsuki et al disclose a wireless card system comprising: a wireless card 102 having a wireless transmitter 201 and an automatic gate machine 103 having a wireless transmitter 304 for communicating electrical data (see col. 4, line 23+).

In view of Ohtsuki et al's teaching, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system of Aucsmith into a wireless system to provide a more versatile system with easier system setup and maintenance. Such modification would eliminate wear and tear in the portable storage device which would improve the overall system's reliability and quality. Therefore, it would have been an obvious extension as though by Aucsmith.

6. Claims 45-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnsen, US Patent No 5,250,789, in view of Aucsmith. The teachings of Aucsmith have been disclosed above.

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Johnsen discloses a shopping card which includes an adapter for converting recorded data from a disk drive device to electrical data for wireless transmission to a storage device, said adapter comprising an adapter body, said adapter body further comprising: a keyboard, a disk drive, a scanner and/or a serial port, any of which may be used for receiving data corresponding to a shopping list. The display system is in communication with a database to obtain the store location for each item in the shopping list. An organizing program is operable in the display system for organizing the shopping list in order of the store location for the items on the list. A display unit is provided so that the shopper may view the list of items for purchase in order of their store location. The display system may be mounted on a shopping cart for the convenience of the shopper. A product code scanner may be provided with the display system for inputting products as they are pulled from the shelves and added to the shopping cart. When the shopper has input either a list of coupons or scanned coupons in the shopper's possession into the display system, the system is able to notify the shopper when an item selected for purchase corresponds to one of the coupons (see figures 1-3; col. 6-8).

Johnsen fails to disclose or fairly suggest an adapter body sized to be inserted in a disk drive, but discloses that shoppers can use personal computers for compiling their shopping list on floppy disk, wherein their personal computers are connected to the store computer through a modem (see col. 5, lines 58-64; col. 8, lines 48-59).

In view of the disclosure of Aucsmith above, it would have been obvious for an artisan at the time the invention was made to employ the portable device of Aucsmith into the system of Johnsen so that shoppers can securely personalizing their shopping list into smart cards before going to the market which would expedite the shopping process wherein customers could just

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load their personalized information into the store' system to make their products' selection. Such modification would allow customers to better plan and budget their shopping. With regard to having a light emitting diode and a light responsive transistor, these components are known in the art for indicating the presence and/or absence of portable storage device into the port of a terminal. Therefore, it would have been an obvious expedient.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bandera et al, US Patent No. 6,332,127, disclose a systems, method and computer program products for providing time and location specific. Ohno et al, US Patent No. 6,290,138, disclose a wireless data storage medium with flexible image recording section.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr  
Examiner  
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A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', is written over a horizontal line. The signature is enclosed within a large, loopy oval shape.